

## EXHIBIT 14

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - -

STAR AUTO SALES OF : Civil Action No.:  
BAYSIDE, INC. (d/b/a : 1:18-cv-05775-ERK-CLP  
STAR TOYOTA OF :  
BAYSIDE), STAR AUTO :  
SALES OF QUEENS, :  
LLC (d/b/a STAR :  
SUBARU), STAR HYUNDAI :  
LLC (d/b/a STAR :  
HYUNDAI), STAR NISSAN, :  
INC. (d/b/a STAR :  
NISSAN), METRO :  
CHRYSLER PLYMOUTH :  
INC. (d/b/a STAR :  
CHRYSLER JEEP DODGE), :  
STAR AUTO SALES OF :  
QUEENS COUNTY LLC :  
(d/b/a STAR FIAT) and :  
STAR AUTO SALES OF :  
QUEENS VILLAGE LLC :  
(d/b/a STAR :  
MITSUBISHI), :

Plaintiffs, :

vs. :

VOYNOW, BAYARD, WHYTE :  
AND COMPANY, LLP, HUGH :  
WHYTE, RANDALL FRANZEN :  
AND ROBERT SEIBEL, :

Defendants. :

- - -

FRIDAY, FEBRUARY 3, 2023

- - -

(Caption continued on page 2.)

Job No. CS5701935

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 - - -  
4

5 FRIDAY, FEBRUARY 3, 2023  
6

7 - - -  
8

9 Oral Deposition of JACQUELINE CUTILLO, as  
10 corporate designee for Star Hyundai, LLC, d/b/a Star  
11 Hyundai, taken at Marshall Dennehey, 2000 Market Street,  
12 Suite 2300, Philadelphia, Pennsylvania, commencing at  
13 3:58 p.m., before Lauren Sweeney, a Court Reporter and  
14 Notary Public.

15 - - -  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1       A P P E A R A N C E S:

2               MILMAN LABUDA LAW GROUP, PLLC  
3               BY: JOSEPH M. LABUDA, ESQUIRE  
4               3000 Marcus Avenue  
5               Suite 3W8  
6               Lake Success, New York 11042  
7               516-328-8899  
8               joe@mllaborlaw.com  
9               Representing the Plaintiffs

10              MARSHALL DENNEHEY  
11              BY: MAUREEN FITZGERALD, ESQUIRE  
12              620 Freedom Business Center  
13              Suite 400  
14              King of Prussia, Pennsylvania 19406  
15              610-354-8270  
16              mpfitzgerald@mdwgcg.com  
17              Representing the Defendants

18                               - - -

19       ALSO PRESENT:

20               RANDALL FRANZEN, VIA TELEPHONE  
21               JEREMY KOUFAKIS  
22               MICHAEL KOUFAKIS, VIA TELEPHONE  
23               STEVE RAMBAM, VIA TELEPHONE

24                               - - -  
25

I N D E X

- - -

TESTIMONY OF: JACQUELINE CUTILLO PAGE

By MS. FITZGERALD. . . . . 6

- - -

EXHIBITS

- - -

NUMBER	DESCRIPTION	PAGE
--------	-------------	------

Hyundai-1	Notice	6
-----------	--------	---

DEPOSITION SUPPORT INDEX

DIRECTIONS TO WITNESS NOT TO ANSWER

Page Line

(None)

REQUEST FOR PRODUCTION OF DOCUMENTS

Page Line Description

16 18 Checks

STIPULATIONS

Page Line

(None)

QUESTIONS MARKED

Page Line

(None)

JACQUELINE CUTILLO

Page 6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- - -

(Exhibit Hyundai-1 was  
premarked for identification  
purposes.)

- - -

JACQUELINE CUTILLO, after  
having been first duly sworn, was  
examined and testified as follows:

- - -

BY MS. FITZGERALD:

Q. All right. Jackie, I'm not going to go through  
the deposition instructions because I know you know them  
well, but for purposes of this deposition you are here on  
behalf of the corporation, Star Hyundai, LLC, d/b/a Star  
Hyundai; is that correct?

A. That is correct.

Q. Okay. And if i use the term company or  
corporation or Hyundai, I'm referring to that entity.  
Okay?

A. Okay.

Q. In the chart, the damage chart, Hyundai is  
alleging damages of \$34,500 in connection with THE paying  
personal creditors scheme committed on behalf of Vivian  
during the period of May 2013 to November 2016; is that  
correct?

JACQUELINE CUTILLO

Page 20

1 actually go and search and find the unsigned copy of the  
2 check with no backup to it?

3 A. We searched and couldn't find either copy.

4 Q. Would there be a reason why the company would be  
5 paying Vivian these amounts, 22,000 or 26,000, outside of  
6 the normal payroll process?

7 A. The 22,000 was payable to her personal credit  
8 card.

9 Q. Okay. The 26,000. Thank you.

10 Would there be a reason that the company  
11 would be paying Vivian \$26,000 outside of the normal  
12 payroll process?

13 A. Her description in the system is that that is a  
14 refund for a deposit.

15 Q. Okay.

16 A. That could be a reason.

17 Q. Okay. And if that was the case, should the  
18 check signer have been presented with the documentation  
19 supporting the refund of the deposit?

20 A. Yeah.

21 Q. On what basis does the company contend that  
22 Voynow is liable for the \$34,500?

23 A. Plus the 22,000.

24 Q. Plus the 22,000.

25 MR. LABUDA: Objection, but you can



JACQUELINE CUTILLO

Page 21

1 answer.

2 THE WITNESS: I'd like to defer that to  
3 the expert, but I'll give you my opinion. They  
4 looked at the customer deposit schedules every  
5 time that they came in. They reviewed our books  
6 and records, and they reviewed bank  
7 reconciliations. So that would be my -- off the  
8 top of my head.

9 BY MS. FITZGERALD:

10 Q. What about either of any of these three checks  
11 would show up on a customer deposit schedule?

12 A. The check was issued from her customer -- she  
13 issued the check to herself from her customer number on  
14 customer deposits of Star Hyundai.

15 Q. And I can show you the indictment if you want to  
16 see it again, but I'll represent to you that neither of  
17 those checks are listed in the indictment.

18 Is the company aware of that?

19 A. They were discovered after the indictment.

20 Q. Okay. And when were they discovered?

21 A. The \$22,000 check was discovered when we  
22 obtained the subpoena from Capital One, and the \$26,000  
23 check was discovered between 2020 and 2021 when she was  
24 dead.

25 Q. I'm showing you Nissan-18.